



General Assembly

January Session, 2009

Raised Bill No. 6516

LCO No. 3739

03739_____GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT ESTABLISHING MINIMUM RETAIL REFUND AND EXCHANGE POLICIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 42-110aa of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective January 1, 2010*):

3 (a) No person engaged in trade or commerce in this state, upon the
4 return of goods purchased from such person's place of business, shall
5 refuse to accept the returned goods [immediately] with a receipt and
6 shall immediately issue the individual returning such goods [either]
7 (1) either a cash or credit refund of the purchase price, [or credit
8 towards the purchase of another item offered for sale at such person's
9 place of business] corresponding to the form of payment at the time
10 the goods were purchased, provided such return is made [within the
11 period of time established by such person for the acceptance of
12 returned goods and provided further, such goods are returned in a
13 manner consistent with such person's conspicuously posted refund or
14 exchange policy] not more than thirty days after the date the
15 individual purchased the goods, (2) a cash or credit refund of the
16 purchase price or credit towards the purchase of another item offered

17 for sale at such person's place of business, in such person's discretion,
18 provided such person has conspicuously posted the return policy and
19 further provided such return is made not more than ninety days or less
20 than thirty-one days after the date the individual purchased the goods,
21 and (3) a cash or credit refund of the purchase price or credit towards
22 the purchase of another item offered for sale at such person's place of
23 business, in an amount equal to the current sales price for the returned
24 item, provided such return is made not more than one hundred twenty
25 days or less than ninety-one days after the date the individual
26 purchased the goods. Such person may refuse to accept returned
27 goods after one hundred twenty-one days have elapsed from the date
28 of the purchase of the goods. Any such person that utilizes an
29 electronic system to record, monitor and limit the number or total
30 dollar value of returns made by a consumer shall clearly indicate the
31 use of such system within such person's conspicuously posted refund
32 or exchange policy.

33 (b) [Any] Subject to the provisions of subsection (a) of this section,
34 any person that utilizes an electronic system to record, monitor and
35 limit the number or total dollar value of returns made by a consumer
36 shall, prior to terminating the right of any such consumer to return
37 goods at such person's place of business pursuant to any such
38 limitation, provide written notice to such consumer that indicates such
39 termination. Such termination notice shall not affect such consumer's
40 right to return any goods purchased by such consumer or purchased
41 for the benefit of such consumer prior to the date of such notice, if such
42 consumer has a valid receipt evidencing a purchase date for such
43 goods that is prior to the date such consumer receives such notice. Any
44 such notice that is mailed to the last known address of such consumer
45 or to the address of such consumer that is obtained through reasonably
46 available public records shall be deemed to comply with the
47 notification requirements of this subsection.

48 (c) This section shall not be construed to prohibit any person
49 engaged in trade or commerce in this state from extending the period

50 of time during which such person will accept the return of goods
51 purchased from such person's place of business.

52 (d) This section does not apply to: [perishable] (1) Perishable goods,
53 including readily perishable foods and beverages, [or goods clearly
54 marked as nonreturnable pursuant to such person's conspicuously
55 posted refund or exchange policy] (2) custom made or special order
56 items, (3) books, magazines and other periodicals, (4) opened or used
57 compact discs, digital video discs or other recorded media, and (5)
58 goods that are damaged by the consumer and not fit for resale by the
59 seller.

60 (e) Any violation of the provisions of subsection (a) of this section
61 shall constitute an unfair trade practice for purposes of section 42-110b.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>January 1, 2010</i>	42-110aa
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Statement of Purpose:

To establish minimum retail refund and exchange policies.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]